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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,679	09/19/2005	Gerhard Hoffmann	1454.1622	1163
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STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER LERNER, MARTIN	
			ART UNIT 2626	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/549,679

Applicant(s)

HOFFMANN, GERHARD

Examiner

Martin Lerner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12 to 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12 to 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

In ¶[0025], the citation of “which may include the phrase “at least one of A, B and C” as an alternative expression that means one or more of A, B and C may be used, contrary to the holding in *Superguide v. DIRECTV*, 69 USPQ2d 1865 (Fed. Cir. 2004)” should be deleted. Applicant’s sentence amounts to a disputation of existing case law, and a patent application is not an appropriate forum to advocate reversal of existing case law.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 12, 22, 23, and 26 are rejected under 35 U.S.C. 102(a) as being anticipated by *Schier*.

Regarding independent claims 12, 23, and 26, *Schier* discloses a method, device, and computer readable medium storing instructions, comprising:

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“inputting a first voice signal” – during a method of enrolling new entries, processing circuitry 34 prompts the user for a new voice activated dialing entry, and the entry spoken by the user (“a first voice signal”) is received (column 5, lines 20 to 23: Figure 3: Steps 50 and 52);

“recognizing the first voice signal and assigning a recognition entry thereto” – the entry spoken by the user is received and the telephone number associated with the entry (“a recognition entry”) is entered by the user, either by voice commands or the touch tone keypad; the processing circuitry 34 searches the database 36 for other references to the telephone number entered by the user; if no redundant entries are detected, the recording is linked to the entry (“assigning a recognition entry thereto”) (column 5, lines 23 to 28: Figure 3: Steps 52 to 56); a telephone number can be entered by voice commands instead of by a touch tone keypad, so that involves “recognizing the first voice signal” because at least entry of the telephone number is by voice recognition;

“storing the first voice signal in a memory as a recorded voice signal assigned to the recognition entry” – the entry spoken by the user is recorded, and if no redundant entries are detected, the recording is saved in the database 36 and linked to the entry (“assigned to the recognition entry”) (column 5, lines 23 to 30: Figure 3: Steps 52 and 56);

“inputting a second voice signal” – during a method of operation, a User2 initiates a voice activated dialing session by speaking “call store 102” into his phone (column 3, lines 27 to 29: Figure 2);

“recognizing the second voice signal and assigning the recognition entry thereto” – the processing circuitry 14 digitizes User2’s speech (“the second voice signal”) and transforms it into LPC (linear predictive coding) vectors; these vectors are compared with all the templates for User2 in the database 16; if a match is found, the recording associated with the telephone number is downloaded along with the telephone number associated with the matching template (“assigning the recognition entry thereto”); thus, recording < “Store 102” – user2 > should be downloaded along with the number “214-555-1112” (column 3, lines 29 to 38: Figure 2); implicitly, transforming a user’s speech into parameter vectors and comparing them to templates is a speech recognition process (“recognizing the second voice signal”);

“outputting the recorded voice signal stored in the memory as being assigned to the recognition entry” – the processing circuitry will announce “calling” and replay the recording < “Store 102” – user2 >, which is the recording made from User2’s voice at the time that User2 enrolled “Store 102” into the voice activated dialing system 10 (column 3, lines 38 to 43: Figure 2).

Regarding claim 22, *Schier* discloses dialing system 10 has processing circuitry 14, database circuitry 16, and interface circuitry 18 (column 2, lines 55 to 67: Figures 1 and 2), which are equivalent to “embedded hardware”.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13 to 20 and 24 to 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Schier* in view of *Gelfer et al.*

Concerning claim 13, *Schier* suggests a confirmation process, where a User2 can abort a call, if the announced "calling < "Store 102" – user2 >" is not what the user intended (column 3, lines 42 to 45; column 4, line 44 to 46), but omits a confirmation process during enrollment, wherein the first voice signal is assigned to the recognition entry only upon confirmation that the first voice signal has been correctly recognized. Generally, it is well known and an obvious expedient to require confirmation during various phases of speech recognition procedures in order to be sure that any decision made to perform an action is a correct one. Specifically, *Gelfer et al.* teaches a personalized directory constructed based on a user's set-up input, where a user identifies an entity during user set-up of a database, and a user voice actuated search engine searches a database to provide an output indication related to the entity. (Abstract) Preferably, the speech recognizer stores, for each digital speech model, an oral representation thereof, for playing back to the user when

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necessary for confirmation. (Column 6, Lines 33 to 36: Figures 1 to 3) An objective is to provide an improved apparatus and method for generating and accessing a telephone directory. (Column 1, Lines 38 to 40) It would have been obvious to one having ordinary skill in the art to provide a confirmation process during an enrollment of a spoken entry and an associated telephone number of *Schier* as suggested by *Gelfer et al.* for a purpose of generating and accessing a telephone directory.

Concerning claim 14, *Gelfer et al.* teaches a telephone directory residing in a cellular telephone (column 3, lines 32 to 40), and that the system is operative to provide the user with suitable prompts and other messages by means of a display 90 (column 7, lines 37 to 39: Figure 1); "notice" is taken that cellular telephones operating by voice dialing display the telephone number being called on the display.

Concerning claim 15, *Schier* discloses that, at a later time, a recording could be changed, if desired (column 5, lines 33 to 35: Figure 3); implicitly, moreover, more voice activated dialing entries can be entered; thus, there is "a third voice signal" that is input and stored; furthermore, a telephone number associated with the entry can be entered by a user with a touch tone keypad, instead of by voice commands (column 5, lines 20 to 26: Figure 3), so storing the entry spoken by the user can be performed "without intervening speech recognition."

Concerning claim 16, *Schier* discloses voice activated dialing where the entry spoken by the user is < "Store 102" – user2 > or "Home" or "Mom" (column

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3, lines 36 to 42; column 4, lines 40 to 46: Figures 1 and 2); "Store 102", "Home", and "Mom" are all "proper nouns".

Concerning claims 17 and 19, *Gelfer et al.* teaches both speaker independent and speaker dependent recognition (column 2, lines 47 to 53; column 4, lines 23 to 28; column 6, line 64 to column 7, line 5), which are well known alternatives in speech recognition.

Concerning claim 18, *Gelfer et al.* teaches database entries in a directory may be a street name or locality (column 1, lines 9 to 14), and a vehicle navigation system 66 receives a target address as an entry by speech recognition (column 7, lines 14 to 36: Figure 1); receiving a target address for vehicle navigation would at least involve receiving a street name.

Concerning claim 20, *Schier* discloses voice activated dialing, which involves "controlling applications based on a recognition result" because the application is the dialing of a telephone, and a telephone is controlled in its dialing by speech recognition.

Concerning claims 24 and 25, *Gelfer et al.* teaches a telephone directory residing on a cellular telephone (column 3, lines 32 to 40; column 6, lines 46 to 59), which is "a mobile terminal" and "a communication unit"; additionally, a record retrieval unit 50 may interface with a vehicle navigation system 66 (column 7, lines 14 to 36: Figure 1), which is "a mobile terminal", too, because it is in a vehicle.

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6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Schier* in view of *Gelfer et al.* as applied to claims 12 to 15 above, and further in view of *Scott et al.*

Gelfer et al. omits voice recognition for selecting Internet voice links based on the recognition result, but it is well known to control a web browser by spoken links in VoiceXML. Specifically, *Scott et al.* teaches using speech recognition to access the Internet via a telephone, where voice activation of functions on the Internet are accomplished using speech recognition from control links of a web browser. An objective is to provide for speech access through standard web pages to the Internet. (Abstract; Column 2, Line 56 to Column 3, Line 10: Figure 1) It would have been obvious to one having ordinary skill in the art to select Internet voice links based on a recognition result as taught by *Scott et al.* in a voice activated dialing system of *Schier* for a purpose of providing for speech access through standard web pages to the Internet.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Reding et al., Maruyama, and Park disclose related art.

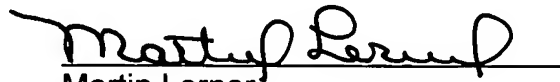
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Lerner whose telephone number is (571) 272-7608. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ML
10/4/07


Martin Lerner
Examiner
Group Art Unit 2626